

JUDGE MANNING

MAGISTRATE JUDGE NOLAN

CH

/PAWalsh

Firm ID 90384

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHANI R. DAVIS,

Plaintiff,

v.

AMERICAN RED CROSS,
AMERICAN RED CROSS OF GREATER CHICAGO,

Defendants.

Case No.

Judge

NOTICE OF REMOVAL

Defendant, American National Red Cross, by its counsel, pursuant to 28 U.S.C. § 1441, and § 1446, files this Notice of Removal of a certain action pending in the Circuit Court of Cook County, State of Illinois, under Court No. 08 L 011792, and in support thereof, states as follows:

1. American National Red Cross is a defendant in an action entitled *Shani R. Davis v. American Red Cross, American Red Cross of Greater Chicago*, currently pending under Court No. 08 L 011792, in the Illinois State Court, Circuit Court of Cook County.

2. American National Red Cross was served with the Summons and Complaint in this matter on October 29, 2008. True and accurate copies of the Summons & Complaint at Law are attached as Exhibit A. This request for removal is made within 30 days of the Complaint being served on American National Red Cross, in accordance with 28 USC 1244b(b).

3. That the foregoing papers are, upon information and belief, the only process, pleadings or orders in the State Court, which the named defendant is aware of.

4. That federal subject matter jurisdiction exists over the Red Cross by virtue of 36 U.S.C. § 300105(a)(5), a provision of the Red Cross's federal charter that grants it the power to "sue and be sued in court of law and equity, State or Federal, within the jurisdiction of the United States." Clearly the Red Cross' federal charter extends to cases involving liability arising out of individual employees of the Red Cross named as defendants.

5. That the United States Supreme Court has construed the "sue-and-be-sued" provision of the Red Cross's charter as conferring "original jurisdiction on federal courts over all cases to which the Red Cross is a party, with the consequence that the organization is thereby

authorized to remove from state to federal court of any state-law action it is defending,” *American National Red Cross v. S.G.*, 112 S.Ct. 2465 (1992).

6. That the Red Cross desires to remove this action to this court and submits this Notice, along with the exhibits, in accordance with 28 U.S.C. §§ 1441, 1446.

7. That written notice of the filing of this Notice of Removal will be given to the plaintiff, together with a copy of the Notice of Removal and supporting papers, will be filed with the Clerk of the State Court, as provided by 28 U.S.C. § 1446(d).

8. The defendant American National Red Cross decided to remove this action to this court and submits this notice, along with exhibits, in accordance with 28 U.S.C. §§ 1441, 1446, and 1332.

9. Written notice of the filing of this Notice of Removal will be given to the plaintiff, together with a copy of the Notice of Removal and supporting papers, will be filed with the clerk of the State Court, and provided by 28 U.S.C. § 1446(d).

Respectfully submitted,

HINSHAW & CULBERTSON LLP

By: s/ Peter A. Walsh
Attorneys for Defendant
American National Red Cross

Attorney Peter A. Walsh
222 North LaSalle Street, Suite 300
Chicago, IL 60601-1081
(312) 704-3000
Fax: (312) 704-3001
Firm ID 90384